



UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

Peter Harris and Loni Harris,

Plaintiffs,

v.

Upwintrade.com, a business
association; David Shamlan, an
individual; John Does 1 – 20,

Defendants.

Case No. 1:24-cv-00313

**Declaration of
Marshal Hoda**

I, Marshal Hoda, state and swear as follows.

I. Introduction

1. My name is Marshal Hoda. I am of sound mind and capable of making this Affidavit. I have personal knowledge of the facts stated herein.

2. I represent Peter and Loni Harris, the plaintiffs in this matter.

II. Notice to Defendants

3. I notified the Defendants of the upcoming preliminary-injunction hearing via four distinct channels. I have attached true and correct documentation of the notice to this Declaration, as indicated below.

- Email to info@davidshamlan.com (Attachment A);
- Email to payments@upwintrade.com (Attachment B);

- Skype message to the account of David Shamlian (Attachment C);
- Submission via the customer-service chat on www.upwintrade.com (Attachment D).

4. In addition, I participated in a video screenshare with my client, Peter Harris, in which he transmitted notice via Skype message to David Shamlian's account from his own Skype account. I have attached documentation of this notice as Attachment E.

III. Status of Account Freezes and Subpoenas

5. There has been significant activity in the weeks since the Court issued the extant Temporary Restraining Order in this case (the “Order”). I transmitted the Order and subpoenas on Bybit, Binance, Remitano, and Revolut (the “Receiving Exchanges”).

6. Binance and Revolut appear to have implemented account freezes voluntarily. Binance has indicated that it will produce information in response to our subpoena but has requested another month to do so. Revolut continues to take the position that we must serve its London-based parent company via the Hague Convention. Bybit and Remitano have taken action on grounds that I will be happy to elaborate for the Court at the hearing.

7. We have served or initiated service of subpoenas on six additional third parties as authorized in the Order. We expect to begin receiving responsive documents by September 6, 2024.

VERIFICATION

I, Marshal Hoda, hereby verify and declare under penalty of perjury that the foregoing is true and correct.

A handwritten signature in black ink, appearing to read 'M. Hoda', with a long horizontal flourish extending to the right.

Marshal Hoda

Dated: September 2, 2024

Attachment A

Monday, September 2, 2024 at 18:39:14 Central Daylight Time

Subject: Legal Notice re: Injunction Hearing
Date: Thursday, August 29, 2024 at 3:16:44 PM Central Daylight Time
From: Marshal Hoda <marshal@thehodalawfirm.com>
To: info@davidshamlan.com <info@davidshamlan.com>

To whom it may concern:

You have been sued by Peter Harris and Loni Harris. My law firm represents the Harrises in this matter. The case is Harris v. Upwintrade.com, et al., No. 1:24-CV-00313-MJT (E.D. Tex.).

The purpose of this message is to provide you notice of an upcoming hearing in this case. The Court will hold a Preliminary Injunction Hearing on September 4, 2024 at 1:30 pm U.S. Central Time in Courtroom 2, Jack Brooks Federal Courthouse, 300 Willow Street, Beaumont, Texas.

You can view and download the pleadings in this case, including the Court's Order setting the preliminary injunction hearing, at the following webpage:
<https://www.hlfeservice.com/harrisvupwintrade>.

The Harrises will be filing a Motion for Preliminary Injunction prior to the September 4th hearing, which will be uploaded to the webpage provided above when it is filed.

You can contact me at marshal@thehodalawfirm.com.

Regards,
Marshal J. Hoda
Attorney & Founder
The Hoda Law Firm, PLLC

Attachment B

Monday, September 2, 2024 at 18:38:05 Central Daylight Time

Subject: Legal Notice re: Injunction Hearing
Date: Thursday, August 29, 2024 at 3:14:45 PM Central Daylight Time
From: Marshal Hoda <marshal@thehodalawfirm.com>
To: payments@upwintrade.com <payments@upwintrade.com>
Priority: High

To whom it may concern:

You have been sued by Peter Harris and Loni Harris. My law firm represents the Harrises in this matter. The case is Harris v. Upwintrade.com, et al., No. 1:24-CV-00313-MJT (E.D. Tex.).

The purpose of this message is to provide you notice of an upcoming hearing in this case. The Court will hold a Preliminary Injunction Hearing on September 4, 2024 at 1:30 pm U.S. Central Time in Courtroom 2, Jack Brooks Federal Courthouse, 300 Willow Street, Beaumont, Texas.


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The Harrises will be filing a Motion for Preliminary Injunction prior to the September 4th hearing, which will be uploaded to the webpage provided above when it is filed.





You can contact me at marshal@thehodalawfirm.com.


Regards,
Marshal J. Hoda
Attorney & Founder
The Hoda Law Firm, PLLC

Attachment C




David Sham



David Sham
 No Mutual Contacts



Waiting for David to accept invitation.

3:31 PM


To whom it may concern:

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Harris v. Upwintrade — HLF E-Service
 <https://www.hlfeservice.com>






The Harrises will be filing a Motion for Preliminary Injunction prior to the September 4th hearing, which will be uploaded to the webpage provided above when it is filed.

You can contact me at marshal@thehodalawfirm.com.

Regards,
 Marshal J. Hoda
 Attorney & Founder

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 Type a message

8/29/24, 3:26 PM

Attachment D

Chat log from upwintrade.com

Chat log from upwintrade.com

8/29/2024 3:24:37 PM, agent

Hi. Have any questions? Ask away!

8/29/2024 3:25:02 PM, you

To whom it may concern: You have been sued by Peter Harris and Loni Harris. My law firm represents the Harrises in this matter. The case is Harris v. Upwintrade.com, et al., No. 1:24-CV-00313-MJT (E.D. Tex.). The purpose of this message is to provide you notice of an upcoming hearing in this case. The Court will hold a Preliminary Injunction Hearing on September 4, 2024 at 1:30 pm U.S. Central Time in Courtroom 2, Jack Brooks Federal Courthouse, 300 Willow Street, Beaumont, Texas. You can view and download the pleadings in this case, including the Court's Order setting the preliminary injunction hearing, at the following webpage: <https://www.hlfeservice.com/harrisvupwintrade>. The Harrises will be filing a Motion for Preliminary Injunction prior to the September 4th hearing, which will be uploaded to the webpage provided above when it is filed. You can contact me at marshal@thehodalawfirm.com. Regards, Marshal J. Hoda Attorney & Founder The Hoda Law Firm, PLLC







